

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

MAILED

MAR 3 1 2008

U.S. PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte RALF BREDERLOW

Application 10/714,536

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received electronically at the Board of Patent Appeals and Interferences on February 25, 2008. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being electronically returned to the examiner. The matter requiring attention prior to docketing is identified below:

An examination of the Image File Wrapper (IFW) reveals that a Reply Brief was filed on February 14, 2007, in response to the Examiner's Answer mailed January 18, 2007. However, there is no indication in the record

regarding whether or not the examiner has considered the Reply Brief.

Section 41.43 of the Code of Federal Regulations (2006) states:

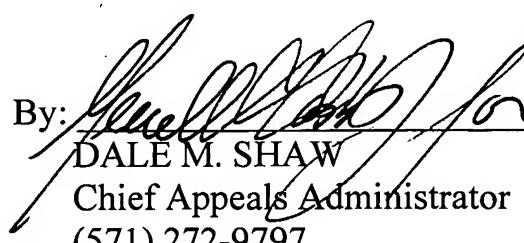
(a)(1) After receipt of a reply brief in compliance with § 41.41, the primary examiner must acknowledge receipt and entry of the reply brief. In addition, the primary examiner may withdraw the final rejection and reopen prosecution or may furnish a supplemental examiner's answer responding to any new issue raised in the reply brief.

Accordingly, it is

ORDERED that the application is returned to the Examiner:

- 1) for written notification to appellant regarding consideration of the Reply Brief filed February 14, 2007; and
- 2) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: 

DALE M. SHAW

Chief Appeals Administrator
(571) 272-9797

DMS:psb

Dickstein Shapiro LLP
1177 Avenue of the Americas – 6th Avenue
New York, NY 10036-2714